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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/696,984

10/30/2003

James D. Dale

1062/D74

7856

2101

7590

07/06/2006

BROMBERG & SUNSTEIN LLP  
125 SUMMER STREET  
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EXAMINER

LUGO, CARLOS

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/696,984

Applicant(s)

DALE, JAMES D.

Examiner

Carlos Lugo

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-12,18-21,23-26,30-34,39,40 and 44-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-12,18-21,23-26,30-34,39,40 and 44-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>attachment #1</u> .                    |

### **DETAILED ACTION**

1. This Office Action is in response to applicant's amendment filed on April 26, 2006.

#### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the force applied by the moveable member, as claimed in claims 1,21,34, and 47, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. **Claims 1,4-12,18-21,23-26,30-34,39,40, and 44-47 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1,21,34, and 47 recite the limitation "opening force". However, it is unclear what the applicant is trying to claim as his invention with this limitation. If the force is to open, then, how it would open the door since the undercuts would prevent the opening of the door.

Therefore, in order to continue with the examination, the limitation will be examined as a force moving toward the opening direction of the door. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1,4,7-12,18,21,24-26,30,31,34,39,40,44, and 47 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 4,073,521 to Mena.

Regarding claims 1,21,34 and 47, Mena discloses a door locking system comprising an assembly (13) including a latching structure having a first undercut feature (33 and 34).

A door (14) is movably coupled to the assembly. The door includes a latch member having a second undercut feature (32 and 35) that in a closed position of the door, it will engage the first undercut feature.

A movable member (16) for applying a force towards the opening direction of the door to maintain the engagement of the first and second undercut features to keep the door latched (see attachment #1).

As to claim 4, Mena discloses that the latch member includes a post extending from the door that includes the second undercut feature (the curve between 32 or 35 and 14, Figure 2).

As to claim 7, Mena discloses that the movable member (16) is capable of generating a continuous force against the at least one of the assembly and the door.

As to claim 8, Mena discloses that the movable member (16) is coupled to one of the door and the assembly.

As to claim 9, Mena discloses that the movable member (16) is positioned between the door and a surface of the assembly.

As to claims 10,24 and 39, Mena discloses that the movable member (16) is an expandable member.

As to claims 11,25 and 40, Mena discloses that the expandable member is a bladder (16).

As to claims 12 and 26, Mena discloses that the system further comprises a pneumatic circuit (39) for controlling the movable member.

As to claims 18,31 and 44, Mena discloses that the moveable member (16) contacts the at least one of the assembly and the door.

As to claim 23, Mena illustrates that the system further comprises a handle (29) attached to the second engagement means (by means of the door 14).

As to claim 30, Mena discloses that the moveable member is between the door and the assembly.

#### ***Allowable Subject Matter***

7. **Claims 5,19,32 and 45 would be allowable** if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
8. **Claims 6,20,33 and 46 would be allowed** because the claims depend from claims 5,19,32 and 45 respectively.

#### ***Response to Arguments***

9. Applicant's arguments filed on April 26, 2006 have been fully considered but they are not persuasive.

The applicant argues that Mena fails to disclose that the moveable member forces the door and the assembly away from one another so as to maintain the engagement of the first and second undercuts (Page 9 Line 18).

First, as cited above in the 112nd paragraph rejection section, the claim language should refer to a force acting toward the opening direction of the door.

Second, the claim language does not require that the force only move in only one direction. At the instant, and as seen in attachment #1, Mena illustrates that the movable member apply a force in different directions, one of them in toward the opening direction of the door, and in combination, the forces would maintain the engagement of the undercuts. Therefore, the arguments are not persuasive and the rejection is maintained.

As to the rejection in view of Backus, the current amendment overcomes the rejection made in the last Office Action mailed on February 21, 2006.

### ***Conclusion***

10. Applicant's amendment, that the movable member applies an opening force, necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3676

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058.

The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

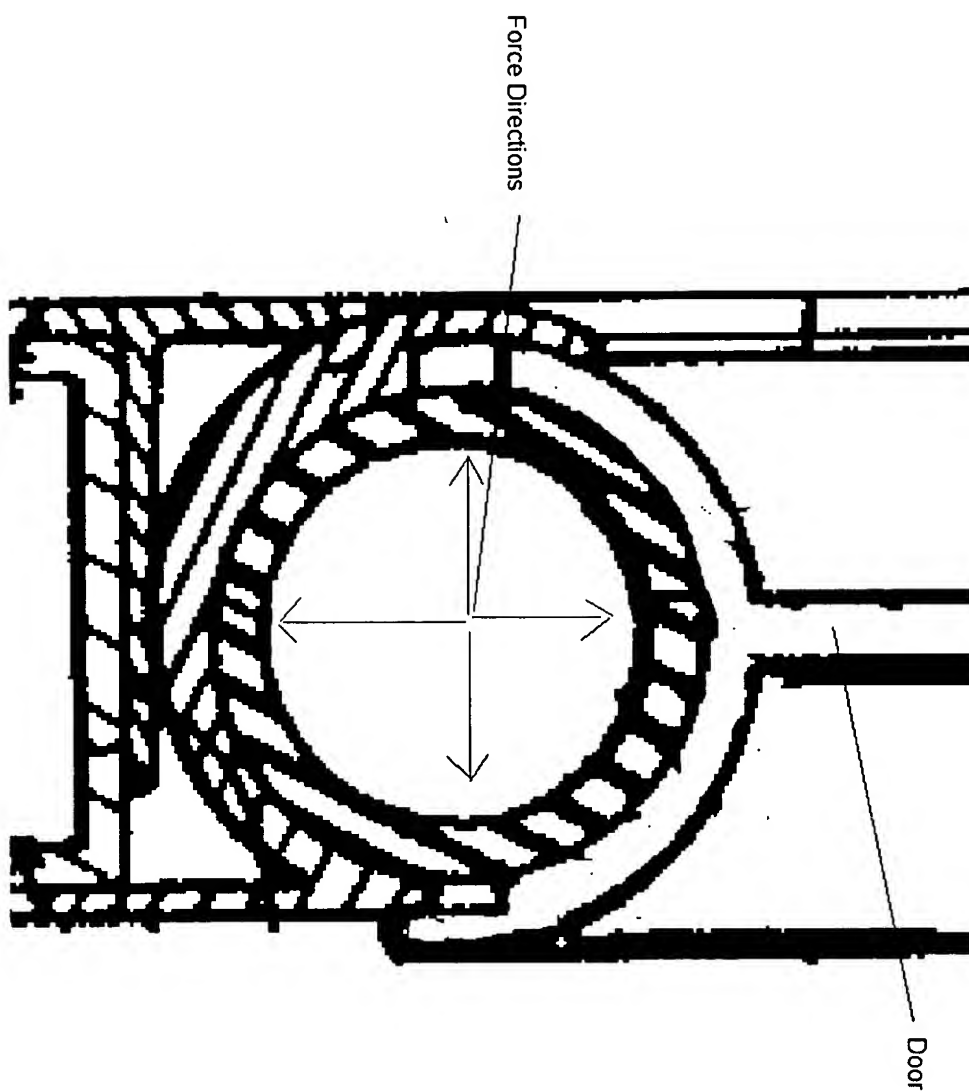


Carlos Lugo  
Patent Examiner AU 3676  
June 28, 2006.



**BRIAN E. GLESSNER**  
**SUPERVISORY PATENT EXAMINER**





Attachment #1